

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY (CONTINUED) — THURSDAY, MARCH 29, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 82).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

The invocation was offered by Representative Edwards.

CAPITOL PHYSICIAN

The speaker recognized Representative F. Brown who presented Doctors Janice Pruessner and Raymond Moody of Bryan as the "Doctors for the Day."

The house welcomed Doctors Pruessner and Moody and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 637 - ADOPTED
(by Alexander)

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 637**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 637, Honoring David M. Laney for his work as commissioner of the Texas Transportation Commission.

HR 637 was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 637** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Alexander, who introduced David M. Laney, commissioner of the Texas Transportation Commission.

HR 613 - ADOPTED
(by Wohlgemuth)

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 613**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 613, Honoring the city of Glen Rose on the 75th anniversary of its founding.

HR 613 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Wohlgemuth, who introduced a delegation from Glen Rose.

HR 629 - ADOPTED
(by Kitchen and Dukes)

Representative Kitchen moved to suspend all necessary rules to take up and consider at this time **HR 629**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 629, Recognizing AISD's AT-STAR project for helping students with disabilities to become technologically literate.

HR 629 was read and was adopted without objection.

HR 617 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 617**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 617, Recognizing March 29, 2001, as Jacksonville Day at the State Capitol and welcoming the visiting members of the Jacksonville Leadership Group.

HR 617 was read and was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Smithee on motion of Hinojosa.

HR 590 - ADOPTED (by Ellis)

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 590**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 590, Honoring Charles Tackett of Corpus Christi for 50 years of service as a law enforcement officer.

HR 590 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Ellis, who introduced Charles Tackett and his wife.

HCR 219 - ADOPTED (by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HCR 219**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 219, In memory of Charles N. Prothro of Wichita Falls.

HCR 219 was unanimously adopted by a rising vote.

On motion of Representative Counts, the names of all the members of the house were added to **HCR 219** as signers thereof.

HR 640 - ADOPTED (by Gallego and Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 640**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 640, Paying tribute to the life of Cesar Chavez on the occasion of Cesar Chavez Day on March 31, 2001.

HR 640 was adopted without objection.

HR 641 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 641**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 641, Honoring Dr. Alva Chester Nelson, Jr., on his consecration as auxiliary bishop of the Texas South Central Ecclesiastical Jurisdiction of the Church of God in Christ.

HR 641 was adopted without objection.

HR 642 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 642**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 642, Commending the Reverend Charles Lewis Jackson on his 32nd pastoral anniversary at Pleasant Grove Missionary Baptist Church in Houston.

HR 642 was adopted without objection.

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 9 (by Goolsby), Honoring Dr. James S. Cole of Dallas on his appointment as dean of the Baylor College of Dentistry.

HR 18 (by Wise), Honoring Guadalupe Carranza on the occasion of his 85th birthday.

HR 32 was withdrawn.

HR 37 was previously adopted.

HR 41 (by Truitt, et al.), Honoring Captain Joey J. Ziemian on his retirement from the Euless Police Department.

HR 47 (by G. Lewis), Congratulating the District 95 spelling bee winners.

HR 49 (by Chisum), In honor of the Stratford High School Elks football team winning the UIL Class 1A state championship.

HR 68 (by Williams and Kolkhorst), Honoring Randolph Foster for his role in Texas history.

HR 71 (by Truitt), Congratulating Keith Shankland on his receipt of the Spirit of American Award from American Airlines.

HR 87 (by Pitts), Congratulating Cheryl Wixtrom on being named Red Oak Independent School District Teacher of the Year for 1999-2000.

HR 111 (by Pitts), Honoring Lisa Minton on being named the 1999-2000 Waxahachie ISD Teacher of the Year for Northside Elementary School.

HR 112 (by Pitts), Honoring Barbara Pickett on being named Waxahachie ISD Teacher of the Year 1999-2000 for Shackelford Elementary School.

HR 114 (by Pitts), Honoring Julie Ballard as Waxahachie ISD 1999-2000 Teacher of the Year at Marvin Elementary School.

HR 115 (by Pitts), Honoring Carolyn Gauntt on her selection as Waxahachie ISD 1999-2000 Teacher of the Year at Wedgeworth Elementary School.

HR 116 (by Pitts), In honor of Lesli Priebe's receipt of the Waxahachie ISD 1999-2000 Teacher of the Year award for Waxahachie High School.

HR 129 (by Pitts), Honoring Tami Eason on her selection as Waxahachie ISD 1999-2000 Teacher of the Year at Turner Middle School.

HR 131 (by Pitts), Honoring Bonnie Bliss McRae as 1999-2000 Waxahachie ISD Teacher of the Year for Dunaway Elementary School.

HR 135 (by Pitts), In honor of Isaiah Moreland, Jr.'s, 1999-2000 Waxahachie ISD Teacher of the Year award at the Waxahachie Learning Center.

HR 204 (by Pitts), In honor of Karen Mendenhall on her selection as a Palmer ISD Teacher of the Year.

HCR 2 (by Najera, Pickett, Haggerty, P. Moreno, and Chavez), Recognizing February 6-7, 2001, as El Paso Days at the State Capitol.

HCR 4 (by Gallego), Honoring John R. Foster on the occasion of his retirement.

HCR 13 (by Najera), Honoring the 80th anniversary of the National Association of Retired Federal Employees and declaring Febuary 19-23, 2000, National Association of Retired Federal Employees Week in the State of Texas.

HCR 14 (by G. Lewis), Congratulating Christopher Smith on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 15 (by G. Lewis), Congratulating Joe Scott on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 16 (by G. Lewis), Congratulating Connie Griffin on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 17 (by G. Lewis), Congratulating Brian S. Hussey on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 18 (by G. Lewis), Congratulating Janet Moyer on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 19 (by G. Lewis), Congratulating Iris Betancourt on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 20 (by G. Lewis), Congratulating Willie Cormier on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 21 (by G. Lewis), Congratulating Diana Worie on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 22 (by G. Lewis), Congratulating Valorie Jones on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 23 (by G. Lewis), Congratulating Margareth Santos on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 24 (by G. Lewis), Congratulating James Bell on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 25 (by G. Lewis), Congratulating Mildred Davis on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 26 (by G. Lewis), Congratulating Tony Thomas on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 27 (by G. Lewis), Congratulating Bryan Carter on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 28 (by G. Lewis), Congratulating Michael Banta on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 32 (by Keffer), Honoring all those associated with the Atlas Intercontinental Ballistic Missile (ICBM) program for their contributions to the safety of their fellow citizens.

HCR 36 was withdrawn.

HCR 44 (by Craddick), Honoring Jonathan Galindo, Hervey Rey, and Fernando Rey for their heroic actions.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

HR 13 (by Pitts), In memory of the Honorable Frank Bobbitt McGregor.

HR 21 (by Gallego), In memory of Frances M. Harvey.

HR 22 (by Gallego), In memory of Manuel G. Soza.

HR 23 (by Gallego), In memory of Keesey H. Kimball.

HR 24 (by Gallego), In memory of Elena Hernandez.

HR 25 (by Gallego), In memory of Roxana Holland Donnell.

HR 35 (by Cook), In memory of Alice Pohler Tait.

HR 36 (by Cook), In memory of Lanier Hester.

HR 42 (by West), In memory of Fred Douglas Deaver.

HR 44 (by Chisum), In memory of John S. Coleman, Jr.

HR 45 (by Chisum), In memory of the Honorable R. L. Templeton.

HR 75 (by Gray, et al.), In memory of June Pickney Ross of Galveston.

HCR 3 (by Gallego), In memory of Dr. Arvel R. Ponton, Jr.

HCR 6 (by Craddick), In memory of E. W. "Buddy" Anguish, Jr., of Midland.

HCR 35 (by Gallego), In memory of Jason Wesley Morgan.

HCR 37 (by Gallego), In memory of John G. Prude.

HCR 101 (by Chavez), In memory of Bert Corona of Los Angeles.

HCR 129 (by Chavez), Paying tribute to the late Bobby Fuller of El Paso for his musical accomplishments.

HCR 130 (by Chavez), In memory of Esperanza Acosta Moreno of El Paso.

HCR 131 (by Chavez), In memory of Tom Lea of El Paso.

The resolutions were unanimously adopted by a rising vote.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

HB 177 (by Luna), A bill to be entitled An Act relating to the authority of the commissioners court of a county to create a justice court technology fund and to require certain defendants to pay court costs for deposit in the fund.

HB 197 (by Solomons, Callegari, et al.), A bill to be entitled An Act relating to the threshold contract amount at which certain political subdivisions are required to engage in a competitive purchasing procedure.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Farabee, Representative Solomons offered the following committee amendment to **HB 197**:

HB 197 is amended to read as follows:

(1) Add the following appropriately numbered section to read as follows:

SECTION _____. Section 271.024, Local Government Code, is amended to read as follows:

Sec. 271.024. COMPETITIVE BIDDING PROCEDURE APPLICABLE TO CONTRACT. If a governmental entity is required by statute to award a contract for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property on the basis of competitive bids, and if the contract requires the expenditure of more than \$25,000 [~~15,000~~] from the funds of the entity, the bidding on the contract must be accomplished in the manner provided by this subchapter.

(2) Add the following appropriately numbered section to read as follows:
Section _____. SECTION 262.003(a), Local Government Code, is amended to read as follows:

Section 262.003 SMALL, SOLE-SOURCE PURCHASE EXEMPT FROM COMPETITIVE BIDDING.

(a) Any law that requires a county to follow a competitive bidding procedure in making a purchase requiring the expenditure of \$25,000 [~~\$15,000~~] or less does not apply to the purchase of an item available for purchase from only one supplier.

(3) Renumber subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **HB 197**:

Amend **HB 197** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION _____. Sections 252.312(b) and (c), Transportation Code, are amended to read as follows:

(b) If the county road engineer so recommends and the commissioners court considers it to be in the best interest of the county, a purchase in an amount of \$25,000 [~~\$15,000~~] or less may be made through negotiation by the commissioners court or the court's authorized representative on requisition to be approved by the commissioners court or the county auditor without advertising for competitive bids.

(c) A purchase may not be divided or reduced to avoid the competitive bidding requirement on a purchase that would otherwise cost more than \$25,000 [~~\$15,000~~].

Amendment No. 2 was adopted without objection.

HB 261 (by Ritter), A bill to be entitled An Act relating to the transfer of a defendant from county jail to the institutional division of the Texas Department of Criminal Justice pending an appeal by the defendant.

HB 342 (by McClendon, Madden, Uresti, and Capelo), A bill to be entitled An Act relating to the study of disease management programs for children's asthma.

CSHB 351 (by Truitt), A bill to be entitled An Act relating to the authority of the commissioners court of a county to meet and transact business in a municipality other than the county seat.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 351**:

Amend **CSHB 351** as follows:

On page 1, line 14, strike "the municipality" and insert "that location"
AND

On page 1, line 18, strike "Subsection" and substitute "Subsections (b) and [Subsection]".

Amendment No. 1 was adopted without objection.

HB 372 (by Gallego), A bill to be entitled An Act relating to voter eligibility in Maverick County Water Control and Improvement District No. 1.

CSHB 391 (by Maxey), A bill to be entitled An Act relating to the provision of donor human milk to certain infants under the medical assistance program.

CSHB 394 (by Keffer), A bill to be entitled An Act relating to a going out of business sale.

CSHB 477 (by Naishtat), A bill to be entitled An Act relating to the establishment of an interagency plan for coordinating case management services for certain recipients of financial assistance.

CCSB 37 (Naishtat - House Sponsor), in lieu of **HB 480**, A bill to be entitled An Act relating to establishing a temporary nursing facility license.

Representative Naishtat moved to lay **HB 480** on the table subject to call.

The motion prevailed without objection.

HB 481 (by Naishtat), A bill to be entitled An Act relating to amelioration of convalescent and nursing home violations; waiving right to hearing.

HB 482 was withdrawn.

HB 483 (by Naishtat), A bill to be entitled An Act relating to the removal from the statutes of certain antiquated or unnecessary words referring to incapacitated persons.

HB 506 (by Smith), A bill to be entitled An Act relating to the transfer of a limitation on school district ad valorem taxes on the residence homestead of the surviving spouse of an elderly person to a subsequent homestead.

HB 536 (by Thompson), A bill to be entitled An Act relating to the jurisdiction of a statutory probate court and other courts of record in certain matters.

HB 537 (by Thompson), A bill to be entitled An Act relating to the transfer of certain causes of action by a statutory probate court.

HB 538 (by Thompson), A bill to be entitled An Act relating to jurisdiction of statutory probate courts.

CSHB 561 (by Walker), A bill to be entitled An Act relating to the management of and certain actions and proceedings regarding the Glasscock County Underground Water Conservation District; changing the name of the district.

HB 586 (by B. Brown), A bill to be entitled An Act relating to the ineligibility of a delinquent child support obligor to receive state-funded or state-administered student financial assistance.

HB 591 (by Goodman and Naishtat), A bill to be entitled An Act relating to the liability of a parent who fails to provide court-ordered health insurance for a child.

HB 593 (by Goodman), A bill to be entitled An Act relating to information required in certain pleadings in the Family Code.

HB 612 (by Maxey), A bill to be entitled An Act relating to the preparation and submission of certain reports by municipalities and the comptroller of public accounts under the Tax Increment Financing Act.

SB 701 (S. Turner - House Sponsor), in lieu of **HB 634**, A bill to be entitled An Act relating to agricultural projects in certain urban schools.

Representative S. Turner moved to lay **HB 634** on the table subject to call.

The motion prevailed without objection.

HB 648 (by Chisum), A bill to be entitled An Act relating to the fiscal year and the date of elections of the Stratford Hospital District.

CSHB 702 (by R. Lewis), A bill to be entitled An Act relating to the administration of drainage districts and the issuance of bonds and other instruments of indebtedness by drainage districts; increasing a criminal penalty.

CSHB 741 (by Bailey), A bill to be entitled An Act relating to the creation of the Aldine Community Improvement District; providing authority to impose a tax and issue bonds.

HB 742 (by Walker), A bill to be entitled An Act relating to the presumed validity of a district act or proceeding.

HB 767 (by Maxey), A bill to be entitled An Act relating to training concerning HIV, hepatitis C, and sexually transmitted diseases for licensed chemical dependency counselors.

CSHB 768 (by Maxey), A bill to be entitled An Act relating to an interagency coordinating council for HIV and hepatitis.

HB 808 (by Hartnett), A bill to be entitled An Act relating to the composition of the Commission on Uniform State Laws.

HB 966 (by Naishtat), A bill to be entitled An Act relating to requiring the Health and Human Services Commission to study ways to allow appropriated money to follow an individual who is leaving institutional care and will need community-based services.

SB 47 (Naishtat - House Sponsor), in lieu of **HB 1007**, A bill to be entitled An Act relating to residential and nonresidential services for victims of family violence.

Representative Naishtat moved to lay **HB 1007** on the table subject to call.

The motion prevailed without objection.

HB 1019 (by Salinas, P. Moreno, Najera, Chavez, and Raymond), A bill to be entitled An Act relating to designating the state Tejano Music Hall of Fame.

CSHB 1027 (by Cook), A bill to be entitled An Act relating to the cleanup of contaminated property.

CSHB 1037 (by Thompson), A bill to be entitled An Act relating to jurisdiction of a court over certain matters related to the ward's estate after a ward's guardianship is settled.

HB 1038 (by Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Coastal Bend Groundwater Conservation District.

HB 1041 (by Smith and G. Lewis), A bill to be entitled An Act relating to the jurisdiction of County Criminal Court No. 10 of Tarrant County.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Garcia, Representative Smith offered the following committee amendment to **HB 1041**:

Amend **HB 1041** on page 1, line 20, by striking Section 2 of the bill and substituting the following:

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

SB 670 (Uher - House Sponsor), in lieu of **HB 1062**, A bill to be entitled An Act relating to the validation of any act, governmental proceeding, official, bond, or obligation of a navigation district or port authority.

Representative Y. Davis moved to lay **HB 1062** on the table subject to call.

The motion prevailed without objection.

CSHB 1081 (by Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Colorado Valley Groundwater Conservation District, including the district's authority to impose taxes and issue bonds.

HB 1083 (by Thompson), A bill to be entitled An Act relating to the effect of a bankruptcy proceeding on a durable power of attorney.

SB 723 (Thompson - House Sponsor), in lieu of **HB 1131**, A bill to be entitled An Act relating to the probate and administration of a decedent's estate.

Representative Thompson moved to lay **HB 1131** on the table subject to call.

The motion prevailed without objection.

HB 1136 (by Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Post Oak Groundwater Conservation District.

HB 1137 (by Menendez), A bill to be entitled An Act relating to court-ordered social studies in certain suits affecting the parent-child relationship.

CSHB 1178 (by Wohlgemuth and Naishtat), A bill to be entitled An Act relating to the regulation of child-care facilities and agencies.

HB 1179 (by Wohlgemuth and Naishtat), A bill to be entitled An Act relating to protective services for the elderly and disabled persons.

CSHB 1222 (by Truitt, Denny and A. Reyna), A bill to be entitled An Act relating to certain local option elections under the Alcoholic Beverage Code.

HB 1233 (by Naishtat), A bill to be entitled An Act relating to the prepayment of funeral services by a guardian of the estate of a ward.

HB 1258 (by Gallego), A bill to be entitled An Act relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Middle Pecos Groundwater Conservation District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Gallego offered the following committee amendment to **HB 1258**:

Amend **HB 1258** as follows:

- (1) On page 2, strike lines 9-10.
- (2) On page 2, line 11, strike "(e)" and substitute "(d)".

Amendment No. 1 was adopted without objection.

HB 1274 (by Seaman), A bill to be entitled An Act relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Texana Groundwater Conservation District.

HB 1367 (by Solomons), A bill to be entitled An Act relating to the uniform law on secured transactions.

Amendment No. 1 (Committee Amendment No. 1)

Representative Solomons offered the following committee amendment to **HB 1367**:

Amend **HB 1367** in SECTION 11 of the bill, in Section 9.406(b)(3)(A), Business & Commerce Code (page 6, line 8, introduced version), by striking "[general intangible]" and substituting "[general] intangible".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Solomons offered the following committee amendment to **HB 1367**:

Amend **HB 1367** as follows:

- (1) Add a new SECTION 25 to the bill to read as follows:

SECTION 25. Nothing in Chapter 9, Business & Commerce Code, as effective July 1, 2001, preempts or otherwise affects any limitation or prohibition provided by another law of this state against assignment of a claim or right to receive:

- (1) compensation for injuries or sickness as described in 26 U.S.C. Section 104(a)(1) or (2), as amended; or
- (2) benefits under a special needs trust as described in 42 U.S.C. Section 1396p(d)(4), as amended.

- (2) Renumber the subsequent sections of the bill appropriately.

Amendment No. 2 was adopted without objection.

HB 1376 (by Menendez), A bill to be entitled An Act relating to the eligibility for appointment of a visiting associate judge in certain family law cases.

HB 1490 (by Geren and Brimer), A bill to be entitled An Act relating to the right of certain lessees of land owned by a municipality to purchase the land. (Burnam recorded voting no)

HB 1504 (by Walker), A bill to be entitled An Act relating to the well permitting process of groundwater conservation districts.

Amendment No. 1 (Committee Amendment No. 1)

Representative Walker offered the following committee amendment to **HB 1504**:

Amend **HB 1504** as follows:

(1) On page 1, line 8, insert "administratively complete" between "each" and "application".

(2) On page 1, line 9, strike "20 days after the date it" and substitute "30 days after the date the administratively complete application".

(3) On page 1, line 16, after "hearing." insert "The district may by rule set a time when an application will expire if the information requested in the application is not provided to the district. An administratively complete application requires information set forth in accordance with Section 36.113 and Section 36.1131."

Amendment No. 1 was adopted without objection.

HB 1535 (by Y. Davis), A bill to be entitled An Act relating to an electronic motor vehicle lien system.

HB 1586 (by Gallego), A bill to be entitled An Act relating to property, facilities, and equipment of the Culberson County Hospital District.

HB 1588 (by Callegari), A bill to be entitled An Act relating to the continuing educational requirements of county purchasing agents.

HB 1658 (by Ritter), A bill to be entitled An Act relating to the duty of a county to notify the Texas Department of Criminal Justice regarding certain dismissals of criminal cases.

HB 1659 (by Ritter), A bill to be entitled An Act relating to the duty of a county to notify the Texas Department of Criminal Justice regarding certain proceedings in cases of defendants or inmates returned to the county on a bench warrant.

HB 1663 (by Alexander), A bill to be entitled An Act relating to the power of the East Cedar Creek Fresh Water Supply District to produce and market agricultural products.

HB 1664 (by Alexander), A bill to be entitled An Act relating to certain regulations of the sale and operation of certain vehicles.

Amendment No. 1 (Committee Amendment No. 1)

Representative Alexander offered the following committee amendment to **HB 1664**:

HB 1664 is amended by striking the word "In" on page 1, line 24, and by inserting the following between the letter "(d)" and the word "the" on page 1, line 24: "Notwithstanding the terms of Section 501.005, in".

Amendment No. 1 was adopted without objection.

HB 1665 (by Alexander), A bill to be entitled An Act relating to the duties and authority of the Texas Motor Vehicle Board and to the regulation of the sale of motor vehicles.

Amendment No. 1 (Committee Amendment No. 1)

Representative Alexander offered the following committee amendment to **HB 1665**:

HB 1665 is amended as follows:

(1) On page 9, delete all language beginning with the word "Section" on line 25, and ending with and including the word "amended" on line 27.

(2) On page 9, line 25, insert the following after the period following the number "2": "Section 2.03, Texas Motor Vehicle Commission Code (Article 4413 (36), Vernon's Texas Civil Statutes) is amended by amending Subsections (b) and (c) and by adding Subsection (d)".

(3) On page 10, line 5, delete "a substantial [am]" and insert the word "an" after the word "acquires".

(4) On page 10, line 15, delete "a substantial [am]" and insert the word "an" after the word "acquires".

(5) On page 10, insert the following after line 24:

"(d) Notwithstanding the terms of this section, a person is not disqualified to be appointed to or serve on the board because that person, or another person, owns, directly or indirectly, shares of stock in a publicly traded company that manufactures or distributes motor vehicles, if the ownership interest is not substantial."

(6) On page 11, line 24, delete the word "all" and insert the following after the word "regulate": "those [am]".

(7) On page 11, line 25, delete "set forth in" and insert the following after the word "as": "governed by".

(8) On page 13, delete all language beginning with the word "Notwithstanding" on line 7, and ending with and including the comma following the word "law" on line 11, and insert the following after the period following the word "penalties" on line 7: "The board has the authority to enforce its order. The authority vested in the board by this section includes the authority".

(9) On page 13, line 13, delete all language beginning with the word "pay" and ending with and including the word "person" and insert the following after the figure "(1)": "pay costs and expenses of a party in connection with an order entered pursuant to the authority of Section 5.02(b)(16)".

(10) On page 14, after line 15, insert the following new Section 8 of the bill and renumber all subsequent sections of the bill accordingly:

"SECTION 8. Section 3.08, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

"(k) Except as provided by this subsection, a licensee may not file an action with the board after the expiration of four years after the date the action accrues. The limitations period provided by this subsection may be extended for a period not to exceed 180 days on a showing that the failure timely to commence an action was caused by reliance on fraudulent statements or inducements made by a party for the purpose of inducing a party to refrain from bringing an action. This subsection does not apply to:

(1) an action with respect to which this code or rules of the board establish specific procedural time limits; or

(2) an action brought under Subsection (i) of this section.

(11) On page 16, line 13, delete the following: "5.02A, 5.02B, and 5.02C [Section 5.02]" and insert the following after the word "Sections" on page 16, line 12: "[Section]5.02, 5.02A, 5.02B, and 5.02C".

Amendment No. 1 was adopted without objection.

HB 1679 (by Bosse), A bill to be entitled An Act relating to the operation of certain vehicle combinations that exceed maximum weight limitations.

HB 1686 (by Kolkhorst, Keffer, Hardcastle, Hopson, and Swinford), A bill to be entitled An Act relating to reporting of animal diseases by veterinarians.

HB 1687 (by Kolkhorst, Keffer, Hardcastle, Hopson, and Swinford), A bill to be entitled An Act relating to the powers and duties of the Texas Animal Health Commission.

HB 1718 (by Y. Davis), A bill to be entitled An Act relating to the appointment of the directors of a regional tollway authority.

CSHB 1739 (by Martinez Fischer), A bill to be entitled An Act relating to the penalty for a violation of certain laws involving the restraint of a child in a motor vehicle.

HB 1782 (by Naishtat), A bill to be entitled An Act relating to the right of certain persons to enter a public facility with an assistance animal.

HB 1788 (by Gallego), A bill to be entitled An Act relating to property, facilities, and equipment of the Val Verde County Hospital District.

CSHB 1790 (by Clark), A bill to be entitled An Act relating to the requirement of notifying the parent or guardian of a child who is referred to juvenile court but who is not taken into custody.

HB 1888 (by Tillery), A bill to be entitled An Act relating to the administration of retirement systems for paid, partly paid, or volunteer fire fighters.

HB 1891 (by G. Lewis), A bill to be entitled An Act relating to insurers providing a written explanation of certain endorsements to insurance policies.

HB 1981 (by Farabee), A bill to be entitled An Act relating to the receiving electronically of competitive bids by counties.

HB 2032 (by Walker), A bill to be entitled An Act relating to the notice requirements for joint meetings of the boards of water districts.

CSHB 2258 (by Maxey), A bill to be entitled An Act relating to the identification of certain nursing home residents having a mental illness or mental retardation.

HCR 29 (by Pitts), Requesting a special committee be created to designate Texas State Artists in two categories.

HCR 81 (by Pitts), Creating a special committee to designate two Texas State Musicians.

HR 141 (by Seaman), Recognizing the Texas Sand Sculpture Festival as the official Texas Sand Sculpture Festival.

ADJOURNMENT

Representative Kolkhorst moved that the house adjourn until 12:20 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:08 p.m., adjourned until 12:20 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 24

HCR 216, HCR 229

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 29, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 140 Coleman SPONSOR: Gallegos
In memory of Aurelia Juarez of Houston.

HCR 228 Sadler SPONSOR: Ratliff
Designating March 27-28, 2001, as Marshall Days at the State Capitol.

SB 1 Ellis, Rodney
General Appropriations Bill.

SB 55 Zaffirini
Relating to a statewide education program to prevent infant mortality.

SB 576 West, Royce
Relating to the University of North Texas System and the component institutions of that system.

SB 646 Bivins
Relating to dropout and completion rates in public schools.

SB 960 Brown, J. E. "Buster"
Relating to the salaries of certain justices and judges and to the authority of a county to supplement those salaries.

SB 1162 Truan
Relating to prohibiting the operation of a vehicle on dunes; providing a criminal penalty.

SB 1547 Duncan
Relating to the establishment of an investment advisory board by the comptroller of public accounts.

SCR 44 Brown, J. E. "Buster"
Expressing gratitude to The University of Texas M.. D. Anderson Cancer Center on behalf of all whose lives have been touched by this remarkable institution and extending congratulations on the 60th anniversary to the dedicated faculty, staff, volunteers, and supporters.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 29, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR**SB 65** Moncrief

Relating to the regulation of telepharmacy as a method to dispense drugs.

SB 104 Van de Putte

Relating to requiring continuing education for teachers in the detection of child abuse and neglect.

SB 216 Bernsen

Relating to the funding of telecommunications infrastructure for telemedicine services.

SB 301 Zaffirini

Relating to the continuation of the Office for the Prevention of Developmental Disabilities.

SB 533 Nelson

Relating to the regulation of certain occupations by the State Board of Dental Examiners.

SB 539 Carona

Relating to regulating the enteral administration of anesthesia in connection with the practice of dentistry.

SB 562 Shapiro

Relating to computation and reporting requirements regarding a school district's expenditures and personnel.

SB 581 Duncan

Relating to document preparation costs in connection with mental health proceedings.

SB 614 Van de Putte

Relating to the issuance of Texans Conquer Cancer license plates.

SB 616 Van de Putte

Relating to the establishment of a medical assistance pilot program for the management of children's asthma.

SB 643 Madla

Relating to the practice of acupuncture.

SB 644 Moncrief

Relating to continuity of care for offenders with mental impairments.

SB 684 Madla

Relating to the definition of non-physician mental health professional for purposes of a proceeding or evaluation under the Texas Mental Health Code.

SB 751 Shapleigh

Relating to providing the services of promotoras for outreach and education programs for recipients of medical assistance.

SB 802 Gallegos

Relating to tax-exempt benefits for county employees.

SB 803 Haywood

Relating to the placement of the Camp Howze historical monument.

SB 847 Nelson

Relating to the creation of municipal courts of record in Westlake located in Tarrant and Denton counties.

SB 874 Lindsay

Relating to the authority of certain political subdivisions to require bidders to attend pre-bid conferences as a condition for accepting a bid.

SB 893 Moncrief

Relating to evaluating drug purchasing cooperatives.

SB 907 Shapleigh

Relating to requiring the Texas Department of Transportation to conduct a study of strategic deployment routes and highways and intermodal facilities used by the military.

SB 916 Jackson

Relating to the authority of certain municipalities to dispose of airport property.

SB 945 Van de Putte

Relating to the publication of certain brochures for the federal special supplemental food program for women, infants, and children.

SB 992 Sibley

Relating to coverage and assessments under the Texas Health Insurance Risk Pool.

SB 1034 Moncrief

Relating to the right of certain persons to enter a public facility with an assistance animal.

SB 1037 Ellis, Rodney

Relating to authorizing the comptroller to establish a program to permit certain certified public accountants to perform certain audits.

SB 1043 Duncan

Relating to creating a committee to appoint a poet laureate, a state musician, and state artists.

SB 1065 Lucio

Relating to changing the name of the South Texas Hospital to the South Texas Health Care System and to eliminating certain obsolete provisions relating to the hospital.

SB 1085 Harris

Relating to the continuation of the advisory committee on inpatient mental health services.

SB 1158 Fraser

Relating to the operation of the Mitchell County Hospital District.

SB 1166 Madla

Relating to the authority of certain advanced practice nurses and physician assistants to prescribe drugs.

Respectfully,

Betty King
Secretary of the Senate